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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-third session

Summary record of the 1392nd meeting
Held at the Palais des Nations, Geneva, on Friday, 26 February 2016, at 3 p.m.

Chair: Ms. Hayashi

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of the United Republic of Tanzania (continued) (CEDAW/C/TZA/7-8; CEDAW/C/TZA/Q/7-8 and Add.1)

1. *At the invitation of the Chair, the delegation of the United Republic of Tanzania took places at the Committee table.*

Articles 10 to 14 (continued)

2. **Ms. Mayao** (United Republic of Tanzania) said that the Government had signed the Pact on Security, Stability and Development in the Great Lakes Region, which included the Protocol on the Prevention and Suppression of Sexual Violence against Women. A multisectoral committee had been established to advise the authorities on the issue of sexual violence, and it had been decided — also taking account of concerns expressed by the Committee on the Elimination of Discrimination against Women — to introduce new stand-alone domestic violence legislation rather than to amend existing laws.

3. The Education Act was being reviewed following the introduction of a new education policy in 2014 which would soon also include guidelines for the re-entry of girls into education. The guidelines were currently awaiting the approval of the Minister and would be adopted very shortly. Once they had come into effect, it would be possible to compile accurate statistics on girls who had resumed their schooling. Before the introduction of the new education policy, reproductive health programmes had been largely absent from school curricula. Such programmes were now available to children in primary education as an extracurricular activity and in school youth clubs, and there were plans to extend them to schools in rural areas; the shortage of properly trained teachers was a problem in that respect, however. The United Republic of Tanzania had recently participated in a survey organized by the United Nations Population Fund on contraceptives and adolescents. It was hoped that the results of the survey would inform the Government's work in drafting legislation in that regard. Abortion remained illegal in the United Republic of Tanzania but in no case was health care denied to persons who suffered complications following an abortion. The country had signed the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, otherwise known as the Maputo Protocol, and was still deciding how to accommodate its provisions. Contraceptives were freely available through health-care centres, but there were strong social and cultural barriers to their use. The Government was working to raise awareness about family planning methods through the aforementioned reproductive health programmes.

4. One of the focuses of the country's development plans was the economic empowerment of women. The agricultural sector, in which many women worked, was not formalized, and agricultural activity was not even measured for use as an economic development indicator. That meant that there were no statistics on whatever wage gap might exist in that sector. The Government intended to allocate more funding for the formalization of the employment of women and, to that end, had recently established the Tanzania Agricultural Development Bank, which was providing support for women engaged in subsistence farming.

5. **Ms. Abdallah** (Zanzibar, United Republic of Tanzania) said that a life skills manual had been developed in Zanzibar which included some sex education content, although its main purpose was to teach young people about the biological development of their bodies. The roll-out of the manual had been accompanied by a train-the-trainers programme that had been developed in cooperation with civil society organizations. Life skills training was

also being offered as an extracurricular activity. Health facilities in Zanzibar were very good and family planning services were available. However, the rate of contraceptive use was only around 15 per cent, which was due, as on the mainland, to social and cultural barriers. The authorities were working to tackle the problem with media and civil society campaigns that also focused on such issues as early marriage and gender-based violence. Maternal mortality remained unacceptably high in Zanzibar, and the authorities had taken steps to address the issue by waiving the fees for childbirth services. Various aspects of prenatal and postnatal care had also been identified as areas in which improvements were called for.

6. Measures were being taken to promote education for girls, particularly in scientific and technological subjects, with a view to facilitating their entry into formal employment. A review of the education sector was also under way in order to identify critical challenges with regard to gender issues and access to education for vulnerable groups. Most women in Zanzibar currently worked in the informal sector, and one of the ways in which the authorities were seeking to address that problem was through the promotion of self-employment and entrepreneurship. Business incubator programmes targeting young women had been set up, training in fields such as solar electrification was being made available and a women entrepreneurs' network was being established.

7. **Mr. Khalfan** (Zanzibar, United Republic of Tanzania) said that, as part of the Legal Sector Reform Programme, relevant legislation was being reviewed and brought into line with the Convention. Also as part of that programme, the legal definition of a child was being harmonized with the Convention on the Rights of the Child. The 2005 Spinsters and Single Parent Children Protection Act provided that girls who had become pregnant could return to school after they had given birth. A number of steps had been taken to address the issue of violence: additional police officers had been assigned to communities where girls tended to become targets for sexual violence at school and, as part of a pilot project, the use of corporal punishment had been suspended in 10 schools. Radio broadcasts in some areas were educating communities about violence-related issues and how to report violent incidents, and a toll-free hotline was available for victims seeking information and advice.

8. **Mr. Mero** (United Republic of Tanzania) said that his delegation would revert to the Committee within 48 hours with written responses and statistics on some of the issues raised.

9. **Ms. Pomeranzi** said that she would like to learn more about the country's social protection policies. Their coverage seemed to be limited to persons in formal-sector employment, who represented only about 10 per cent of the labour force, while women, whose economic activity mainly took place in the informal sector, went largely unprotected. She wondered if any studies had been carried out in that regard and, if so, whether they took account of the gender dimension. Did the new Administration intend to introduce any policy changes in that connection? She would appreciate information on the impact of mechanisms such as the Tanzania Women's Bank and Savings and Credit Cooperatives in terms of helping women to participate fully in the production sector of the economy as opposed to the subsistence economy. Numerous reports identified women as a key source of income in the United Republic of Tanzania, and the Committee was aware of programmes which had, over many years, provided support to women entrepreneurs. She wondered whether the Government was planning to take steps to harmonize and coordinate those programmes and to broaden women's access to financial and technical services in order to help them scale up and formalize their businesses. Without such support, the development of the entire country would suffer.

10. **Ms. Gabr** said that article 14 of the Convention was particularly significant for the United Republic of Tanzania, where 81 per cent of women worked in agriculture. She wished to commend the State party for initiatives such as the National Strategy for Growth

and Reduction of Poverty and the National Five-Year Development Plan, but she wished to know to what extent women in rural areas had effectively benefited from those initiatives and what challenges and difficulties had been encountered. The Tanzania Women's Bank was also an admirable initiative, but she wondered how easily women could access credit and what kind of projects received financing.

11. She wished to know if there was a special budget allocation for the delivery of basic social services such as health care and education in rural areas. The issue of land ownership remained fundamental and, although the Village Land Act was a progressive piece of legislation, its implementation was being hindered by customary laws. She would appreciate it if the delegation could explain how the authorities were addressing that problem. She would also welcome clarification about how rural women were participating in development plans and how the social protection policy introduced in 2014 was being implemented. She would like to have further information about the land rights of Masai women and wondered whether the rights of widowed women to inherit property were still governed by customary rules.

12. **Mr. Mero** (United Republic of Tanzania) said that the Government's expansion of road infrastructure had helped farmers access markets across the country; improved telecommunications, and notably the introduction of a fibre optic network, had also helped to overcome geographical barriers to business activity. As a result, people were less poor and women enjoyed more freedom. Currently, the Government was seeking to establish economic zones throughout the country to further alleviate poverty. Those measures, together with improved water access and electrification, would pave the way for the United Republic of Tanzania to become a middle-income country by 2020.

13. **Ms. Juma** (Zanzibar, United Republic of Tanzania) said that an action plan was being drafted to implement the Zanzibar social protection policy that had been adopted in 2014. The plan would set out the specific types of support available to vulnerable groups through social programmes, such as cash transfer schemes for families who made sure that their children attended school regularly and that they received certain health services. It was also as a result of that policy that the Zanzibar Social Security Fund afforded social protection coverage to people working in the informal sector. Additional social protection measures which already existed or were planned for other vulnerable groups included orphanages, health care for persons aged 70 or above and cash assistance for parents with more than one child.

14. **Ms. Mayao** (United Republic of Tanzania) said that a draft social protection policy for the mainland was still pending; however, a bill on pensions had been submitted to the Cabinet for final approval. The district councils each contributed 5 per cent of their earnings to the Women's Development Fund, with the Government providing the rest of the necessary resources. Rural women were the main beneficiaries of the Fund, which provided them with the capital they needed to launch business ventures. In January 2016, the Government had conducted an assessment of the Fund, and a forthcoming report would set out possible courses of action for improving the Fund's financial position. The National Empowerment Council helped to coordinate action on women's issues.

15. **Ms. Abdallah** (Zanzibar, United Republic of Tanzania) said that a number of funds had been established in Zanzibar to enhance women's access to credit, and women were the major beneficiaries of an economic empowerment fund established in 2013. A study was being carried out to assess the effectiveness of that fund. Its findings would inform new strategies that were being developed to make further progress in that direction. The Government had established the Ministry of Empowerment, Social Welfare, Youth, Women and Children to improve the coordination of economic and empowerment programmes, especially for the most vulnerable groups, including women, the poor and the elderly. Women with disabilities constituted a critical issue that was high on the national

agenda. The Government was developing a policy on disability that would quite probably serve as a basis for a review of the existing legislation on the protection of the human rights of persons with disabilities.

16. **Mr. Kahendaguza** (United Republic of Tanzania) said that the current Administration, which had been in office for just three months, had made a campaign promise to provide the equivalent of US$ 25,000 to each village for use in promoting the business activities of women entrepreneurs. It also planned to do away with what had come to be known as "nuisance tax", which placed a disproportionate burden on women, as they constituted the majority of workers in the informal sector.

17. **Mr. Mero** (United Republic of Tanzania) said that, in order to understand the situation of Masai women, it was important to recall the history of the United Republic of Tanzania. When the country had achieved independence in 1961, the first president had sought to eliminate tribalism and ensure equal rights for all citizens. Since then, it had been a struggle to strike a balance between cultural tradition and modern life. Because of climate change, the land of the Masai people was increasingly less arable. The Government had donated cattle to the Masai during the last drought, but pastoralism was no longer a viable livelihood. The Masai needed to lead a different sort of life so that they would not be subject to the vagaries of climate change, but changing their way of life would make it difficult for them to maintain their customs.

18. **Ms. Pomeranzi** asked whether the credit schemes for women enabled them to scale up their businesses, as that would make an important contribution to the State party's development.

19. **Ms. Gabr** said that she hoped that the draft social protection policy would soon be implemented on the mainland. She would appreciate clarification on the application of the Land Act in terms of land ownership and inheritance. On a quite different matter, although the term could be confusing, further information should also be provided about the custom of "widow inheritance".

20. **Ms. Schulz**, referring to the issue of land-grabbing, asked to what extent rural women's voices were heard during discussions that led to the Government's granting of long-term land leases to multinational companies. She would like to know what type of compensation and resettlement options were provided to the communities concerned. Were they offered assistance to build new houses or to cultivate new, perhaps less arable, land? More information would also be welcome on the legislation governing such land leases and the size of the tracts of land involved. It was important to remember that land was a matter of life or death for small-scale farmers — many of them women — who produced over 80 per cent of the country's food supply.

21. **Mr. Mero** (United Republic of Tanzania) said that all land in the United Republic of Tanzania belonged to the State, which had the right to revoke or change the use of a given piece of land. Leases were granted for periods of 33, 66 or 100 years, depending on the planned use. Leasing land to multinationals or foreign Governments was no longer a popular practice, in part because of climate change and the decreasing amount of arable land. Some women did lease land in the United Republic of Tanzania. A combination of national and customary laws governed the inheritance of land, but customary laws took precedence because the jurisprudence relied heavily on them. However, customary law did not discriminate against women. In fact, according to customary law, if a man lived with a woman for at least two years, even if they were not married, she was entitled to a 50 per cent share of his property; thus, women were protected against losing everything if their partners died. Women had gone to court when their rights had been breached in such situations and had won their cases, sometimes with pro bono help from lawyers at the University of Dar es Salaam.

22. The laws on inheritance had been changed because it was no longer acceptable for women to be treated as a commodity. Previously, if a husband died, his widow lost all the couple's property and, according to tradition, a male relation would take over. In some cultures, it was traditional for a man to marry his deceased brother's widow as a way of providing social protection to her and her children, but that practice had changed with the rise of HIV/AIDS and the death of so many men as a result of the disease; no government intervention had been needed to bring about the abandonment of that custom.

23. The microcredit system and farm loan procedures had been improved. Lending activity had risen significantly. The Government focused particularly on supporting the introduction of electricity to rural areas, since it was needed in rural schools and was required by farmers in order to process their produce for market more efficiently.

24. **Ms. Schulz** said that the issue of widow inheritance was a difficult one: clearly it was bad for a woman to be forced to marry her late husband's brother but, if she did not, she might be left destitute.

25. **Ms. Mayao** (United Republic of Tanzania) said that the best way to overturn a tradition was for people to see that it was in their best interests to do so. The practice of widow inheritance had been a means of protecting family assets and providing for the family but, as women became more educated, the situation was changing, at least in some areas. That kind of change could not be imposed by the Government.

26. **Ms. Gabr** said that the question of overturning tradition had been resolved in many parts of Africa by means of legislation. She therefore wondered whether the State party would consider changing the law.

27. **Ms. Nwankwo** said that, if it were left to communities to determine which customary laws were discriminatory, then discrimination would never be eliminated. Women in many rural communities were powerless, and the men who benefited from existing customs would not support change. Discrimination was a human rights issue and should be addressed as such by the authorities. The Convention, and other treaties which the United Republic of Tanzania had ratified, required the State party to protect human rights, including women's rights. To achieve substantive equality, which was a key element of the Convention, an enabling environment for women must be created. For example, the Tanzania Women's Bank, mentioned earlier in the day, might theoretically give women an equal opportunity to obtain credit. In reality, however, if women — particularly rural women — could not manage or inherit property, they were unlikely to be able to provide collateral and therefore to obtain loans. Without means of securing practical equality, there could be no substantive equality. The State party therefore had an obligation to take action to prevent the violation of the rights of private persons and to put a stop to customary and all other practices that were detrimental to women's rights.

28. Among the provisions that prejudiced women's rights was the rule that, while the first son received the largest share of the inheritance and the other sons received a smaller share, daughters received the least. Under another law, a widow had no share of the inheritance if the deceased person had living relatives, even though a woman's right to own and inherit property was vital to breaking the cycle of poverty. Another provision allowed a husband travelling on a long journey to appoint a guardian to protect his wife, children and property. The wife was not permitted to move out of the household without the guardian's consent and would have to answer to him if she were suspected of committing adultery. She would like to know what the State party planned to do to ensure that such discriminatory customary laws were repealed or amended in line with the Convention.

29. On the issue of the communication concerning the United Republic of Tanzania submitted to the Committee under the Optional Protocol to the Convention (CEDAW/C/60/D/48/2013), despite the State party's assertion that the Committee had

lacked jurisdiction because domestic remedies had not been exhausted, the Committee had concluded that the communication was admissible and, after considering all the submissions received on the merits, had found that, by condoning legal restraints on inheritance and property rights that discriminated against women, the State party had violated, inter alia, article 13 (b), article 15 (1) and (2) and article 16 (1) (h) of the Convention. Since it had ratified the Optional Protocol, the State party was under an obligation to cooperate with the Committee. She therefore wished to know what specific action the State party had taken to comply with the Committee's decision and its recommendations.

30. **Ms. Abdallah** (Zanzibar, United Republic of Tanzania) said that the delegation would inform the Committee in writing as to the action that had been taken in that connection.

31. **Ms. Nwankwo** said that, in view of her detailed exposition of the situation, she was disappointed not to have received a fuller response. She hoped that the customary law would be changed.

32. **Ms. Mayao** (United Republic of Tanzania) said that her country had cooperated with the Committee. However, it took time to change traditions; communities must be consulted and persuaded.

33. **Ms. Gbedemah** said that, in Africa, in particular, the law was rightly used as a tool of social engineering. Communities did not change without outside prompting. It was thanks to legislation that girls now received an education, whereas previously it had been ordained that they should stay at home and be good wives. Without legislation, they would not have known that education was a force for good. It was the duty of Governments to raise awareness of the benefits of changing certain traditions, with one quite clear example being the former practice of killing twins at birth on the grounds that they brought bad luck. It was true that communities sometimes recognized on their own that a practice was harmful but, more often, they needed encouragement from the Government. She wished to draw the delegation's attention to the Committee's general recommendation No. 28 in that connection.

34. **Ms. Abdallah** (Zanzibar, United Republic of Tanzania) said that the Government was committed to correcting laws and practices that discriminated against women. She was hopeful that constitutional reform would stimulate action on gender equality and equity and the empowerment of women.

The meeting rose at 4.45 p.m.